


ESTTA Tracking number: **ESTTA497798**

Filing date: **10/02/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92055795
Party	Defendant E.F. Hutton Group, Inc.
Correspondence Address	EF HUTTON GROUP INC 77 WATER STREET, 7TH FLOOR NEW YORK, NY 10005 UNITED STATES
Submission	Other Motions/Papers
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Date	10/02/2012
Attachments	Reply Pet Opp Withdrawal Mot Strike 10-2-12.PDF ( 2 pages )(82215 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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TERRENCE HASTINGS	:	
	:	
Petitioner,	:	Cancellation No. 92/055795
	:	
v.	:	Registration No. 4122970 E.F. HUTTON
	:	Registration No. 4126754 
E.F. HUTTON GROUP INC.	:	
	:	
Respondent.	:	
-----X		

**REPLY TO PETITIONER'S OPPOSITION TO RESPONDENT'S  
REQUEST TO WITHDRAW COMBINED MOTION TO STRIKE**

Respondent E.F. Hutton Group Inc. ("Respondent") submits this Reply to Petitioner's Opposition to Respondent's Request to Withdraw Combined Motion to Strike and states as follows:

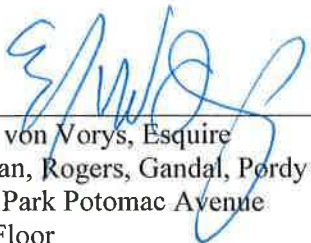
Petitioner's reference to TBMP § 506.02 is inapposite. Respondent's inaptly entitled Request to Withdraw was not seeking the Board's permission, but was filed as of right. Respondent has a unilateral right to withdraw any motion upon notice to the Board. Respondent already explained that it inadvertently filed the Motion to Strike in the wrong case. Petitioner clearly should have realized that the Motion that requested striking Counts 2-5 had nothing to do with the case at hand because the instant case only has one count. If it was not clear before, Respondent notifies the Board that it withdraws its Motion to Strike.

Petitioner's request that the Board issue an Order precluding Respondent from filing any additional motions to strike is also misplaced. As the time to file such motions with respect to the initial Complaint has expired, it is not necessary for the Board to issue any such Order. Moreover, Respondent should not be precluded from filing a Motion to Strike at any future time if called for.

Notwithstanding, for clarity, Respondent reserves all rights to file any and all motions cognizable under the Trademark Trial and Appeal Board Manual of Procedure or the Federal Rules that are applicable in this case.

Dated: October 2, 2012

Respectfully submitted,



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Counsel for Respondent E.F. Hutton Group Inc.

#### **CERTIFICATE OF SERVICE**

I hereby certify that on the 2<sup>nd</sup> day of October, 2012, a copy of the foregoing Reply to Petitioner's Opposition to Respondent's Request to Withdraw Combined Motion to Strike was sent via first class mail, to:

Jess M. Collen, Esq.  
Collen IP, Intellectual Property Law P.C.  
The Holyoke-Manhattan Building  
Ossining, New York 10562



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Eric J. von Vorys